



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

March 30, 2005

SUBJECT: **2005-0131 – Susan Walker** [Applicant] **Boursalian Hrair and Araknaz Trustee** [Owner]: Application on a 1,875 square-foot site located at **165 South Murphy Avenue** in a DSP-2 (Downtown Specific Plan/Block 2) Zoning District;

Motion Special Development Permit to allow the sale of wine and the operation of a new 464 square-foot wine-tasting room within an existing building.

REPORT IN BRIEF

Existing Site Conditions Office space in existing building

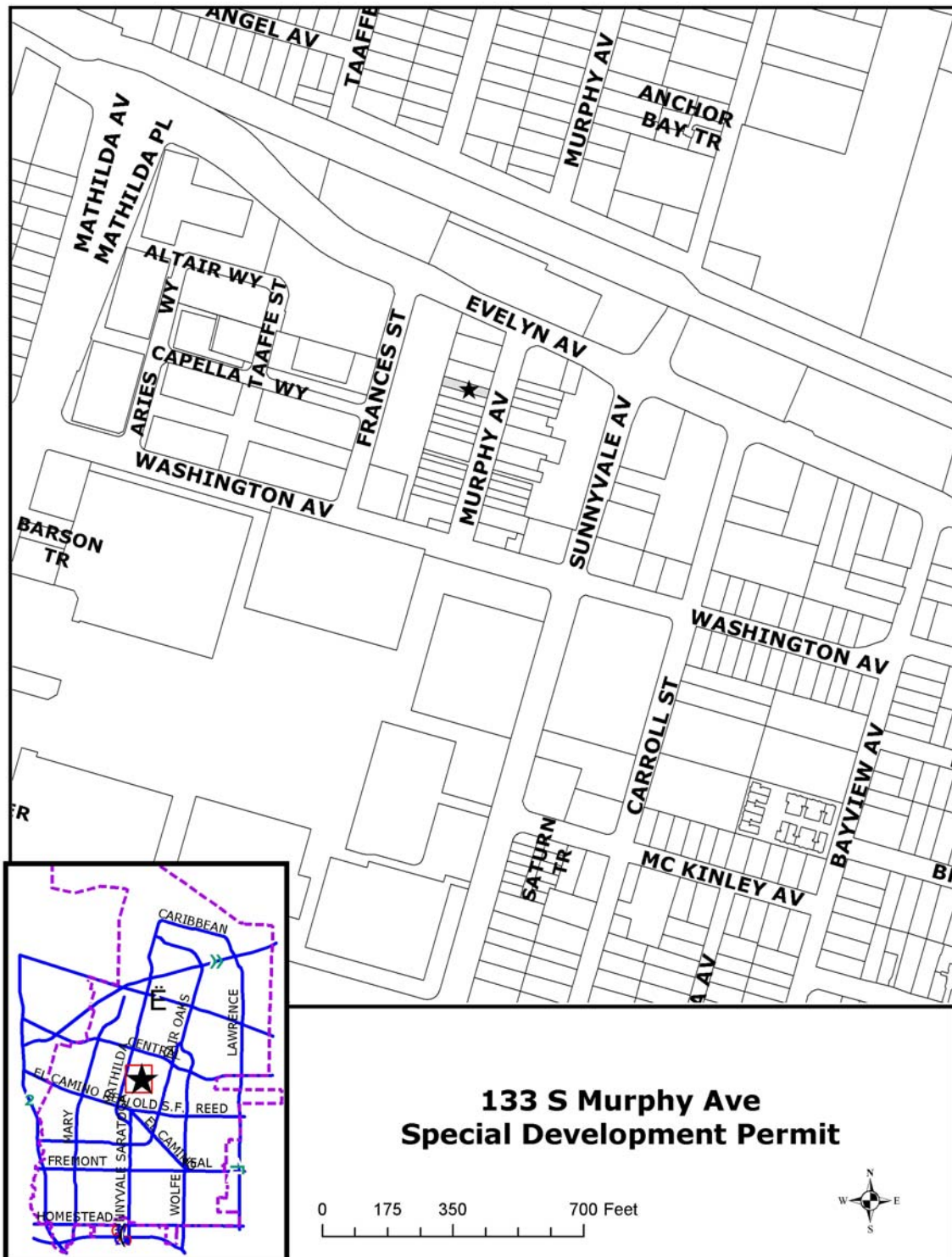
Surrounding Land Uses

North	Historic Commercial
South	Historic Commercial
East	Murphy Avenue/ Historic Commercial
West	Parking District

Issues Use

Environmental Status A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approve with Conditions



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Downtown Specific Plan (DSP)	Same	Same
Zoning District	DSP, Block 2	Same	Same
Lot Size (s.f.)	1875	Same	No min.
Gross Floor Area (s.f.)	1650	Same	No max.
Gross Floor Area of Tenant	464	Same	No max.
Lot Coverage (%)	88	Same	100
Floor Area Ratio (FAR)	88	Same	No max.
No. of Buildings On-Site	1	Same	---
No. of Stories	1	Same	2 max.
Setbacks (Facing Property)			
• Front	0	Same	0 min.
• Left Side	0	Same	0 min.
• Right Side	0	Same	0 min.
• Rear	14'1"	Same	0 min.

ANALYSIS**Description of Proposed Project**

The applicant proposes to convert an existing office space to a new wine tasting shop. The shop will operate from 11 am to 8 pm Monday through Saturday. There are no exterior changes proposed for the shop. The interior space will consist of a wine bar, wine racks and storage and a bathroom.

Background

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
1987-0275	Use of building for retail, service and office uses	Use Permit, Approved	4/2/1987

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemption includes minor change of use.

Special Development Permit

Use: The applicant proposes a wine shop in a space currently occupied by office space. A Special Development Permit is required by Sunnyvale Municipal Code Section 19.28.070 to allow on-site alcohol sales.

Site Layout: The proposed shop will be located within the existing building. No site modifications are proposed.

Architecture: There are no proposed exterior architectural changes associated with this project.

Parking/Circulation: This site is within the Downtown Parking District. No additional parking is required.

Compliance with Development Standards/Guidelines:

Murphy Avenue Design Guidelines: Adding a wine tasting shop on Murphy Avenue is consistent with the Guidelines and is appropriate for the street. The conversion of the space from office to commercial is in keeping with the desired uses along Murphy Avenue.

Downtown Specific Plan: The project meets all Code requirements for the Downtown Specific Plan, Block 2 Zoning District.

Expected Impact on the Surroundings: The proposed wine tasting shop use will have no significant impact on the surrounding area. A wine tasting shop is compatible with the other uses and is an enhancement of the uses on site.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• 12 notices mailed to adjacent property owners and residents of the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Conclusion

Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for the Special Development Permit. Findings and General Plan Goals are located in Attachment A.

Conditions of Approval: Conditions of Approval are located in Attachment B.

Alternatives

1. Approve the Special Development Permit with attached conditions found in Attachment B.
2. Approve the Special Development Permit with modified Conditions of Approval.
3. Deny the Special Development Permit.

Recommendation

Alternative 1.

Prepared by:

Andrew Miner
Project Planner

Reviewed by:

Diana O'Dell
Senior Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Letter from the Applicant

Recommended Findings - Special Development Permit

Goals and Policies that relate to this project are:

Downtown Specific Plan

Goal B – *To establish the Downtown as the cultural, retail, financial and entertainment center of the community, complemented by employment, housing and transit opportunities.*

Goal B.5 – *Promote opportunities for small independent businesses and merchants by creating sites for independent retail and entertainment venues.*

Heritage Preservation Sub-Element 6.3.B.1a – *Continue to monitor and review development on Murphy Avenue to preserve its heritage resources and encourage the maintenance of an environment that attracts both visitors and local residents, thereby encouraging Murphy Avenue's ongoing commercial viability.*

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project allows an independent business consistent with the goal of maintaining Murphy Avenue's ongoing commercial viability.
2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties as the project does not require any alterations to the exterior of the building.

Recommended Conditions of Approval - Special Development Permit /Use Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. Project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development; major changes may be approved at a public hearing.
- B. The Conditions of Approval shall be reproduced on a page of the plans submitted for a Building permit for this project.
- C. The Special Development Permit for the use shall expire if the use is discontinued for a period of one year or more.
- D. The Special Development shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.

2. COMPLY WITH OR OBTAIN OTHER PERMITS

- A. Obtain approval from the Crime Prevention Division of Public Safety Department for crime prevention measures appropriate to the proposed development prior to issuance of a Building Permit.